

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re National Stage of International )  
Application No. PCT/FR2004/000243 )  
under 35 U.S.C. 371 of: )  
Pascal CREPEL, et al. ) Group Art Unit:  
Application No.: 10/544,218 ) Examiner:  
Filed: August 2, 2005 )  
For: **YOGURT WITH A TWO- )  
PHASE STRUCTURE AND )  
METHOD FOR PRODUCTION )  
THEREOF )**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the international search report. Copies of the listed foreign patent and non-patent literature documents are attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

The following are listed on the accompanying PTO/SB/08 and are in a non-English language:

1. World Intellectual Property Organization Publication No. WO 00/19831
2. World Intellectual Property Organization Publication No. WO 98/42202

An English-language abstract of these documents is enclosed.

In lieu of a statement of relevance or the translation of the non-English documents, enclosed is an English-language international search report from the French Patent Office in the PCT international application, from which this national phase U.S. application is derived, citing these documents and setting forth the relevance thereof.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please  
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 16, 2005

By: 

Ernest F. Chapman  
Reg. No. 25,961

Enclosures  
EFC/FPD/rac

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/544,218	
			Filing Date	August 2, 2005	
			First Named Inventor	Pascal CREPEL, et al.	
			Art Unit		
			Examiner Name		
Sheet	1	of	1	Attorney Docket Number	03715.0149

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-4,163,802	08-07-1979	REDFERN, ET AL.	
		US-			
		US-			
		US-			
		US-			
		US-			

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 00/19831	04-13-2000	PAQUET, ET AL.		Abstract
		WO 98/42202	10-01-1998	MANDL, ET AL.		Abstract
		GB 1 476 309	06-10-1977	WIETSE, ET AL.		
		EP 0 049 927	04-21-1982	EVERS		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		SNOW BRAND MILK PROD CO LTD, "Yogurt Low Fat Rate Fat Globule Mean Diameter Adjust Suit Value Calculate Predetermined Express", Patent Abstracts of Japan of JP 11-276067, (10-12-1999)	

Examiner Signature		Date Considered	
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